

STATE OF CALIFORNIA
RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME

STATEWIDE FISH SCREENING POLICY

This fish screening policy is structured to comply with existing fish screening statutes, the National Environmental Policy Act (NEPA), the California Environmental Quality Act (CEQA), the Federal Endangered Species Act (ESA), the California Endangered Species Act (CESA), and court decisions in place at the time of its adoption. All diversions shall be dealt with uniformly on a statewide basis, as outlined in this policy memorandum.

DIVERSIONS COVERED BY SECTION 6100

The Department of Fish and Game shall require the installation of fish screens under Section 6100 et seq. of the Fish and Game Code on any new diversion, or on the intake of any existing diversion that is either enlarged, relocated, or at which the season of use is changed, in salmon and steelhead (anadromous) waters of the State.

In addition, all diversions covered by this section which are located within the essential habitat of a State (CESA) listed species or the critical habitat of a federally (ESA) listed species shall be deemed to require screening.

Variances from these requirements shall be supported by a report, prepared by the diverter, which includes data from onsite monitoring and a review of historical entrainment and diversion data. The scope of the report and the sampling effort shall be approved by the Department of Fish and Game prior to the initiation of work.

Both the approval of the scope of the report and the approval of an exception to this policy shall include the concurrence of the appropriate Regional Manager, the Chief of the Inland Fisheries Division, and the Chief of the Environmental Services Division. The final exception notice shall be issued by the Deputy Director - Fisheries.

DIVERSIONS COVERED BY SECTION 5980

The Department of Fish and Game shall investigate, and where necessary, order fish screens installed on all diversions with a capacity greater than 250 CFS, which affect fishery resources. Diversions in anadromous waters of the State shall be deemed to require screening unless onsite sampling demonstrates otherwise.

In addition, all diversions covered by this section which are located within the essential habitat of a State (CESA) listed species or the critical habitat of a federally (ESA) listed species shall be deemed to require screening.

Variances from these requirements shall be supported by a report, prepared by the diverter, which includes data from onsite monitoring, and a review of historical entrainment and diversion data. The scope of the report and the sampling effort shall be approved by the Department of Fish and Game prior to the initiation of work.

Both the approval of the scope of the report, and the approval of an exception to this policy shall include the concurrence of the appropriate Regional Manager, the Chief of the Inland Fisheries Division, and the Chief of the Environmental Services Division. The final exception notice shall be issued by the Deputy Director - Fisheries.

DIVERSIONS COVERED BY SECTION 6020

The Department of Fish and Game may consider for screening any diversion with a capacity of 250 CFS or less. Activities in this category should be assigned a lower priority than those covered by provisions of Section 5980 until all of the Department of Fish and Game obligations for both its own diversions, and for those diversions with a capacity greater than 250 CFS, have been fulfilled.

In addition, all diversions covered by this section which are located within the essential habitat of a State (CESA) listed species or the critical habitat of a federally (ESA) listed species shall be deemed to require screening.

Variances from these requirements shall be supported by a report, prepared by the diverter, which includes data from onsite monitoring, and a review of historical entrainment and diversion data. The scope of the report and the sampling effort shall be approved by the Department of Fish and Game prior to the initiation of work.

Both the approval of the scope of the report, and the approval of an exception to this policy shall include the concurrence of the appropriate Regional Manager, the Chief of the Inland Fisheries Division, and the Chief of the Environmental Services Division. The final exception notice shall be issued by the Deputy Director - Fisheries.

NEPA AND CEQA PROCESS

When reviewing projects, the Department of Fish and Game shall make every effort to require the installation of fish screens on all unscreened diversions where other measures cannot reasonably prevent entrainment of fish. Further, the Department of Fish and Game shall make every effort to require the modernization of fish screens which do not meet our present fish screening criteria. This effort shall include the Streambed Alteration Agreement process (Section 1600 et seq. of the Fish and Game Code). Variances from the fish screening policy shall be treated as discussed above.

U.S. FISH AND WILDLIFE COORDINATION ACT

Under the provisions of this act, the Department of Fish and Game shall require installation of fish screens on all unscreened diversions where fish are present. Further, the Department of Fish and Game shall make every effort to require the improvement of fish screens which do not meet our present fish screening criteria. For example, opportunities are provided by the U.S. Army Corps of Engineers permits process under the Federal Rivers and Harbors and Clean Water acts.

The attached "General Fish Screening Criteria" shall be used as the basis for design of fish screens required under this policy. The criteria may be modified by the Department of Fish and Game, and it is the responsibility of the project proponent to have the most recent copy of these criteria. Copies are available from either the Environmental Services Division or the Inland Fisheries Division of the Department of Fish and Game.

Attachment